

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

United States of America,

Plaintiff,

:

Case No. 3:08-cr-38

- vs -

:

District Judge Walter Herbert Rice

Magistrate Judge Michael R. Merz

John S. McIntire, IV.,

:

Defendant.

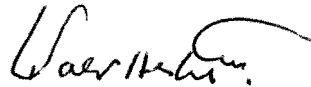
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ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz on Motion for Reconsideration (Doc. #97), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby ADOPTS said Report and Recommendations.

Accordingly, it is hereby ORDERED that Defendant's third ground for relief is DISMISSED with prejudice.

October 20, 2009.



Walter Herbert Rice
United States District Judge